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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 EDWARD P. GILLIGAN et al.,

11 Plaintiffs,

12 v.

13 ROBERTA F. KANIVE et al.

14 Defendants.

CASE NO. 11-5061BHS

REPORT AND
RECOMMENDATION

NOTED FOR: JULY 29, 2011

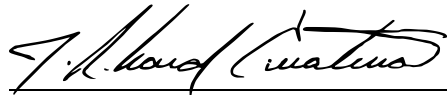
15 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned
16 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate
17 Judge Rules MJR 1, MJR 3, and MJR 4. All plaintiffs have filed documents either
18 indicating that they wish to be dismissed from the action, or that they wish to have the
19 action dismissed (ECF No. 21, 22, and 23). Plaintiff Hargrove has signed an affidavit of
20 service regarding the motion to dismiss the action, (ECF No. 21). This indicates to the
21 court that he is aware of the motion and he has not objected to dismissal of the action.
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23 Fed. R. Civ. P. 41 allows for dismissal only by court order after an answer has
24 been filed. In this action, an answer was filed January 28, 2011 (ECF No. 6). Defendants

1 have not objected to the motion to dismiss this action. The court therefore recommends
2 the action be dismissed without prejudice on plaintiff's motion.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
4 fourteen (14) days from service of this Report to file written objections. See also Fed. R.
5 Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the
6 District Court Judge. See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit
7 imposed by Rule 72(b), the clerk is directed to set the matter for consideration on July 29,
8 2011 as noted in the caption.

9 Dated this 6th day of July, 2011.

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13 J. Richard Creatura
14 United States Magistrate Judge
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